

ENTERED

September 10, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

8

CASE NO: 24-31596

MMA LAW FIRM, PLLC,

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Debtor.

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CHAPTER 11

ORDER

Resolving ECF NO. 275, 281, 282

Pending before the Court are three matters self-styled as (1) “Motion to Transfer Venue of Bankruptcy Case Pursuant to 28 U.S.C. § 1412”¹ (the “*Motion to Transfer*”) filed by Morris Bart, LLC (“*Morris Bart*”) on September 4, 2024; (2) “Debtor’s Motion to Strike Morris Bart’s Motion to Transfer Venue of Bankruptcy Case to Another District”² (the “*Motion to Strike*”) filed by MMA Law Firm, PLLC (“*Debtor*”) on September 6, 2024, and (3) “Debtor’s Motion for Expedited Consideration of the Debtor’s motion to Strike and Continuance of the Hearing on Morris Bart’s Motion to Transfer Venue of Bankruptcy Case”³ (the “*Motion for Expedited Consideration*”) filed by Debtor on September 7, 2024. Without the need of a hearing, the Court issues the instant order.

I. BACKGROUND

1. On April 9, 2024, MMA Law Firm, PLLC, filed for bankruptcy protection under chapter 7 of the Bankruptcy Code⁴ initiating the bankruptcy case.⁵
 2. On June 24, 2024, Debtor, filed an Adversary Proceeding against Morris Bart, LLC (the, "Adversary").⁶ The same day, the Debtor filed an Emergency Motion for Temporary Restraining Order in the Adversary.⁷
 3. On June 25, 2024, the Court entered an Ex Parte Temporary Restraining Order and scheduled an evidentiary hearing for July 9, 2024, for a preliminary injunction hearing ("TRO").⁸

¹ Bankr. ECF No. 275.

² Bankr. ECF No. 281.

³ Bankr. ECF No. 282.

⁴ Any reference to “Code” or “Bankruptcy Code” is a reference to the United States Bankruptcy Code, 11 U.S.C., or any section (i.e. §) thereof refers to the corresponding section in 11 U.S.C.

⁵ “Bankr. ECF” refers docket entries made in the Debtor’s bankruptcy case, No. 24-31596. Entries made in Case number 24-3127 shall take the format of ECF No.

⁶ See MMA Law Firm, PLLC v. Morris Bart, LLC, Case No. 24-3127, ECF No. 1.

⁷ ECF No. 2.

⁸ ECF No. 4.

4. On July 8, 2024, Morris Bart, LLC filed its Response in opposition to the TRO.⁹
5. On July 16, 2024, the Court entered a preliminary injunction in the Adversary (the, “Preliminary Injunction”).¹⁰
6. On July 23, 2024, Morris Bart, LLC filed its Notice of Appeal of the Injunction.¹¹
7. On August 6, 2024, Morris Bart, LLC filed its “Appellant’s Statement of Issues on Appeal” (“Issues on Appeal”).¹²
8. After the Preliminary Injunction was issued and appealed, Morris Bart, LLC filed the instant Motion to Transfer on September 4, 2024.¹³
9. In the Motion to Transfer, Morris Bart, LLC has asked this Court to transfer venue of the bankruptcy case to the United States Bankruptcy Court for the Eastern District of Louisiana.¹⁴

As a preliminary matter, the Court grants the unopposed Motion for Expedited Consideration. However, finding no need for a hearing, the Court denies the Motion to Transfer and denies as moot the Motion to Strike for all the reasons described *infra*. The Court finds that “[t]he filing of a notice of appeal is an event of jurisdictional significance – it confers the jurisdiction of the court of appeals and divests the district court over those aspects of the case involved in the appeal. This rule applies with equal force to bankruptcy cases.”¹⁵ The issues raised by the instant Motion to Transfer fall under the umbrella of “aspects of the case” involved among the Issues on Appeal.¹⁶ As such, the Court lacks jurisdiction to address the Motion to Transfer. Accordingly, it is therefore:

ORDERED: that

1. “Debtor’s Motion for Expedited Consideration of the Debtor’s motion to Strike and Continuance of the Hearing on Morris Bart’s Motion to Transfer Venue of Bankruptcy Case”¹⁷ filed by MMA Law Firm, PLLC on September 7, 2024, is GRANTED.
2. The “Motion to Transfer Venue of Bankruptcy Case Pursuant to 28 U.S.C. § 1412”¹⁸ filed by Morris Bart, LLC on September 4, 2024 is DENIED.

⁹ ECF No. 13.

¹⁰ ECF No. 31.

¹¹ ECF No. 33.

¹² ECF No. 45.

¹³ Bankr. ECF No. 275.

¹⁴ *Id.*

¹⁵ *In re Transtexas Gas Corp.*, 303 F. 3d 571 (5th Cir. 2002)(citing *In re Statistical Tabulating Corp., Inc.*, 60 F.3d 1286, 1289 (7th Cir. 1995)).

¹⁶ ECF No. 45.

¹⁷ Bankr. ECF No. 282.

¹⁸ Bankr. ECF No. 275.

3. “Debtor’s Motion to Strike Morris Bart’s Motion to Transfer Venue of Bankruptcy Case to Another District”¹⁹ filed by MMA Law Firm, PLLC on September 6, 2024, is DENIED as moot.

SIGNED September 10, 2024



Eduardo V. Rodriguez
Chief United States Bankruptcy Judge

¹⁹ Bankr. ECF No. 281.